Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q64839	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 09/878,269	Filed June 12, 2001
	First Named Inventor Pascal AGIN	
	Art Unit 2616	Examiner Bob A. PHUNKULH

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
Registration number 28,703

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Signature

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December 7, 2006
Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Pascal AGIN

Docket No: Q64839

Appln. No.: 09/878,269

Group Art Unit: 2616

Confirmation No.: 2987

Examiner: Bob A. PHUNKULH

Filed: June 12, 2001

For: METHOD OF CONTROLLING TRANSMISSION POWER IN A MOBILE RADIO SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated June 7, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Claims 26-56 stand in the application. Claims 26-44, 49-54 are indicated as containing allowable subject matter, so the present appeal is directed only to claims 45-48 and 55-56. The independent claims are claims 45 and 55, and those claims will be discussed here.

The present invention relates to power control. The transmission quality of a channel is monitored and if it drops below a target value, the transmission power can be increased to obtain better transmission quality. A critical feature of such a system is the determination of the level at which the target value should be set. In the discussion hereafter, the result of the comparison of the actual and target transmission quality will be called the "comparison result." Note that the

target value will be adjusted from time to time, and note that, when it is adjusted, this will cause a change in the comparison result. For example, if the transmission quality is at the target value but the target is raised, the transmission quality will now be below the new target, and at the next sampling of the comparison result will be different and the system will call for an increase in the transmission power. What the present invention does is, when it sees an adjustment being made to the target value, it knows that this adjustment will result in a change in the comparison value at the next sampling. Without waiting for this, since it knows the comparison value will change, it makes an "anticipatory" adjustment of the transmission power. (Transmission power is used by way of example to simplify the discussion, and in fact the anticipatory adjustment can be made to any of the transmission power of the data channel, the transmission power of a control channel, or the offset of the transmission power of the control channel relative to the transmission power of the data channel.)

The key aspect of the present invention is this anticipatory variation.

Claims 45-48 and 55-56 are rejected for anticipation by Baker (USP 6,754,505).

Baker describes an arrangement wherein power adjustments are made, as needed. And it uses an adapted adjustment step size. Thus, if the difference between the actual and target is very large, Baker recognizes that it will take a long time to make the necessary correction, so it will increase the adjustment step size so that fewer adjustments will suffice. But note what is being adjusted. In the present invention and in Baker, there is an adjustment to the transmission power if the comparison result calls for it. In the present invention, there is an anticipatory

adjustment to the transmission power if the target changes. In Baker there is an adjustment to the adjustment step size if the comparison result is too far off.

The examiner refers to lines 1-7 of column 5 of Baker as allegedly teaching the application of anticipatory variations to the ***transmission power***. But the passage cited by the examiner contains no such teaching. Baker teaches that if the power level adjustment to be made is large, then the ***step size*** is increased. But this is not an anticipated variation of the ***power level***, it is a variation of the adjustment step size that will be used in the future when an adjustment to the transmission power is needed. The adjustment to the transmission power itself is not made until after the error is first measured.

The examiner argues that claim 45 does not recite that the anticipatory variation is applied before the variable is modified by the control loop. The examiner is apparently ignoring the word "anticipated" in claim 45. It is clear that anyone of ordinary skill in the art would interpret this term to mean that the adjustment is made before the adjustment that will be called for as a result of the use of the new target value. In any event, however, what the claim very clearly does describe is that the anticipated variation is applied ***in response to a variation of the target value***. When the target value is varied, the system knows that when the measurement is subsequently made, an error will be found that will require variation of the transmission power. But Baker does not make its modification in response to a variation in the ***target*** value. The only change made is in response to a detected error amount.

As to claim 55, that claim requires the controlling of a downlink transmission power as a function of a transmission target quality value, the determination of a target value variation based

on a parameter sent to the base station for the uplink, and then a power offset being applied to the downlink transmission power corresponding to the determined target value variation.

Baker teaches control of transmission power in accordance with transmitted power control commands. It does not say anything about determining a target value variation for the downlink based on a parameter signaled to the base station for the uplink. And while it might at best teach the application of a power offset, it is not in correspondence with a determined target value variation, and certainly no such variation which is determined based on a parameter signaled to the base station for the uplink.

For the above reasons, it is respectfully submitted that the invention defined in the rejected claims is neither shown nor suggested in Baker.

Respectfully submitted,

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